



**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Masamichi TAKAHASHI et al.

Group Art Unit: 3628

Application No.: 10/762,471

Examiner: A. ROBINSON-BOYCE

Filed: January 23, 2004

Docket No.: 118462

For: EVALUATION APPARATUS AND EVALUATION METHOD

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This request is being filed with a Notice of Appeal. Review of the September 2, 2009 Office Action is requested for the reasons set forth below.

Claims 1-18 are pending in this application.

Claims 1-7, 9-12 and 14-18 are rejected under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2007/0226628 to Schlack ("Schlack") and further in view of U.S. Patent Publication No. 2004/0103058 to Hamilton ("Hamilton"). Applicant respectfully traverses this rejection.

Claims 1, 6 and 11 recite an evaluation device for evaluating activities of a plurality of groups to be evaluated having an evaluation unit configured to calculate a strength of influence and an extent of influence where "the strength of the influence and the extent of the influence are calculated, for each group, by ... examining as to whether or not a word representing a common concept in each group is included in the activity data or the concept of said another one of the groups." Schlack does not disclose or suggest this feature.

Using the rejection of claim 1 for illustrative purposes, Schlack discloses a browser-enabled system of software and services that focus on connecting people across spatial, temporal, and organizational barriers to achieve specific objectives. *See* Abstract of Schlack. Schlack discloses a method providing a client server to receive input from activity participants and provide individualized output to each participant, receiving contributions from the activity participants, comparing a first characteristic of each contribution to contributions in an archived activity, and establishing a first cross-activity thread comprising contributions having a shared first characteristic. *See* paragraph [0008] of Schlack. The participants may volunteer to assume certain roles. *See* paragraph [0035] of Schlack.

For example, an artist creates exhibits for a community gallery, where a pulse taker periodically checks the climate measures, conducts surveys of the community members, and directs the communities attention to climate trends for discussion. *See* paragraph [0035] of Schlack. Schlack explains that many of these roles will be originally fulfilled by the facilitator and gradually assumed by the participants, allowing the community to develop direction from communal consensus. *See* paragraph [0035] of Schlack.

Schlack further explains that its invention provides a mechanism to enable and support these critical roles and/or activities in an on-line virtual community. *See* paragraph [0035] of Schlack. Although Schlack discloses the ability to compare a first characteristic of each contribution to contributions in an archived activity, Schlack does not disclose the ability to measure the strength of the influence and the extent of influence by examining as to whether or not a word representing the common concept in each group is included in activity data.

By contrast, claim 1 recites an evaluation device for evaluating activities of a plurality of groups to be evaluated having an evaluation unit configured to calculate a strength of influence and an extent of influence where "the strength of the influence and the extent of the influence are calculated, for each group, by ... examining as to whether or not a word representing a common concept in each group is included in the activity data or the concept of said another one of the groups." Schlack does not disclose or suggest this feature of claim 1, nor does it disclose or suggest the above-mentioned features of claims 6 and 11.

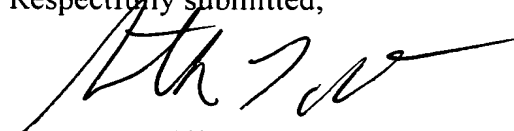
Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1, 6 and 11, and claims 2-5, 7, 9, 10, 12 and 14-18 depending therefrom, under 35 U.S.C. §103(a).

Claims 3, 8 and 13 are rejected under 35 U.S.C. §103(a) over Schlack and further in view of Hamilton and further in view of Japanese Patent Publication No. 2003-085347 to Masamichi et al. ("Masamichi"). Applicant respectfully traverses this rejection.

Claims 3, 8 and 13 depend from claims 1, 6 and 11 respectively. As explained above, neither Schlack nor Hamilton disclose or suggest the features recited in claims 3, 8 and 13, nor does Masamichi supply the subject matter lacking in either Schlack or Hamilton. Therefore, claims 3, 8 and 13 are in condition for allowance based on their dependence from claims 1, 6 and 11, and for the separately patentable subject matter they recite. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 3, 8 and 13 under 35 U.S.C. §103(a).

Should any questions arise regarding this submission, or the Review Panel believe that anything further would be desirable in order to place this application in even better condition for allowance, the Review Panel is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:SJP/eks

Attachment:  
Notice of Appeal

Date: December 2, 2009

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